

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	Case No.: 11-CR-00749-LHK
)	
Plaintiff,)	PRE-TRIAL CONFERENCE ORDER
)	
v.)	
)	
LUIS RUIZ-LOPEZ,)	
)	
Defendant.)	

A pre-trial conference as to Defendant Ruiz-Lopez was held on September 12, 2012. Special Assistant U.S. Attorneys Meredith Edwards and Ann Marie Ursini were present. Defendant Luis Ruiz-Lopez was present with his counsel, Assistant Federal Public Defender Manuel Araujo.

Trial Schedule

Trial will be on Friday, September 21, 2012 from 9:00 a.m. until 3:00 pm, with a fifteen minute break in the morning and a lunch break from 12:00 until 1:00. The trial will continue on Monday, September 24, with the same schedule, as needed.

There shall be twelve jurors and one alternate. Each side will be given five minutes for attorney voir dire.

Jury Instructions

The jury instructions will consist of Ninth Circuit model jury instructions. On September 12, 2012, the government shall email to the Court the government's proposed jury instructions and a revised verdict form identifying the statute at issue and listing "not guilty" before "guilty."

Defendant shall file any proposed special jury instructions by Monday, September 17, at 7:00 p.m. The government shall file its response by Wednesday, September 19, at 5:00 p.m.

Ruling on Pre-Trial Motions

For the reasons stated on the record, the Court issued the following rulings on the following pre-trial motions:

Defendant's Motion to Dismiss the Indictment: DENIED.

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1 Defendant's Motion to Suppress Statements: DENIED.

2 United States' Motion in Limine # 1, Admission of A-file documents: GRANTED.

3 United States' Motion in Limine # 2, Admission of Defendant's prior felony conviction for
4 impeachment: The government may impeach Defendant with a "felony conviction." The Court
5 excludes references to Defendant's conviction for lewd or lascivious act on a child under the age of
fourteen, unless Defendant opens the door.

6 United States' Motion in Limine # 3, Admission of expert testimony of fingerprint examiner:
GRANTED.

7 United States' Motion in Limine # 4, Exclusion of reference to potential punishment: GRANTED.

8 United States' Motion in Limine # 5, Exclusion of reference to Defendant's background: TO BE
9 DECIDED AT TRIAL.

10 United States' Motion in Limine # 6, Collateral attack on Defendant's deportations: TO BE
DECIDED AT TRIAL.

11 United States' Motion in Limine # 7, Reason Defendant reentered the United States: TO BE
12 DECIDED AT TRIAL.

13 United States' Motion in Limine # 8, Exclusion of reference to necessity or duress: GRANTED.

14 United States' Motion in Limine # 9, Exclusion of documents, objects and reports not timely
disclosed under Rule 16: TO BE DECIDED AT TRIAL on a case-by-case basis.

15 United States' Motion in Limine # 10, Exclusion of all witnesses except case agent: GRANTED.

16 Defendant's Motion in Limine # 1, Jury to decide legality of deportation: DENIED.

17 Defendant's Motion in Limine # 2, Exclusion of deportation documents: DENIED.

18 Defendant's Motion in Limine # 3, Exclusion of certificate of nonexistence of records: DENIED.

19 Defendant's Motion in Limine # 4, Exclusion of other acts and prior convictions: GRANTED
20 except for Defendant's 2003 deportation and as set forth in United States' Motion in Limine # 2
above.

21 Defendant's Motion in Limine # 5, Redaction of A-file documents: GRANTED as to the agreed-
22 upon redactions of the prior conviction and incarceration; DENIED as to Defendant's alias and to
the use of the term "alien."

23 Defendant's Motion in Limine # 6, Not sending indictment to the jury room: GRANTED.

24 Defendant's Motion in Limine # 7, Elimination of attorney voir dire: DENIED. Each side shall
25 have five minutes of attorney voir dire.

26 Defendant's Motion in Limine # 8, Exclusion of references to Defendant as "alien": DENIED.

27 Defendant's Motion in Limine # 9, Exclusion of testimony of A-file custodian on immigration
proceedings: DENIED.

28 Defendant's Motion in Limine # 10, Exclusion of testimony of A-file custodian on non-existence
of records: DENIED.

1 Defendant's Motion in Limine # 11, Production of grand jury transcripts: DENIED AS MOOT.
2 The government shall deliver grand jury transcripts previously ordered produced for in camera
review by the Court on September 12, 2012.

3 Defendant's Motion in Limine # 12, Evidence not produced during discovery: TO BE DECIDED
4 AT TRIAL on a case-by-case basis.

5 Defendant's Motion in Limine # 13, Exclusion of any government vouching: GRANTED.

6 Defendant's Motion in Limine # 14, Government witnesses under defense subpoena: DENIED, but
Defendant may request that government witnesses be excused subject to recall.

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8 Further Pre-Trial Conference

A further pre-trial conference will be held on Friday, September 21, 2012 at 8:30 a.m.

9 **IT IS SO ORDERED.**

10 Dated: September 12, 2012

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12 LUCY H. KOH
13 United States District Judge
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